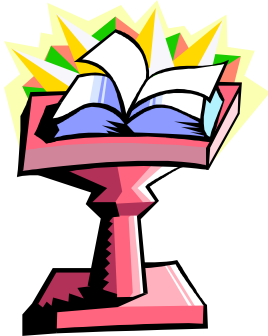


Definitions



Webster, the Dictionary, explains some terms. Some are based on 5 USC (United States Code) 571 (1999):

Agency Processes: Mechanisms already in place to deal with workplace disputes in federal agencies, such as the Equal Employment Opportunity (EEO) process, Union contract provisions, agency grievance procedures, etc.

Alternative Dispute Resolution (ADR): A wide range of problem-solving procedures, which use neutral third parties to resolve disputes, as an alternative to **Agency Processes** or to formal, adversarial methods, like litigation. Examples are mediation, facilitation, conciliation, negotiation, and arbitration.

Issues in Controversy: Workplace disputes or problems that may be resolved through traditional **Agency Processes** or non-traditional processes, like **ADR**.

Mediation: A voluntary, confidential process whereby a trained neutral third party assists the parties in finding a mutually acceptable solution in a manner different from traditional litigation; for example, the rules of evidence do not apply, no testimony is taken, and the mediator does not decide the dispute.

Mutually Acceptable: Satisfactory to the needs and expectations of all parties involved in a dispute.

Negotiate: To confer, discuss, or bargain in order to reach agreement on a subject of common concern to the parties.

Neutral: An individual, who does not have a stake in the issues or outcome of a dispute, and who functions specifically to aid the parties in resolving it.

Party: A person who will be significantly affected by the outcome and who participates in the proceeding.

Settlement Agreement: A legally binding written agreement signed by all parties, containing a mutually acceptable solution to a dispute.

Solution: The settlement agreement developed by the parties.

Shared Neutral: A trained mediator and Federal employee on a roster of Federal Executive Board mediators available for ADR cases at agencies besides his/her home

agency. The home agency pays the mediator's salary and the using agency pays local travel costs.

Union Grievance: A process available to bargaining unit employees and union officials to communicate issues to management.

Voluntary: Each party has chosen to participate of his/her own free will.

Expert Comments on Mediation

"Sometimes we have parties who feel devastated with the way the Administrative Judge decided the dispute should be resolved. When they lose a case like that, they have to revisit the issue...Mediation is the best opportunity for both parties to participate in a compromise to resolve the complaint...FEB mediators I have found to be both professional and capable."

Dwight Lewis, Administrative Judge, EEO Commission

"The Mediation Process is truly empowerment."

Teal Lewis,
Interagency
Mediation Chair
Dallas/Fort Worth
Federal Executive
Board



